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TO : MEMORANDUM FOR THE RECORD

DATE: 26 May 1952

FROM : STATINTL

SUBJECT: FERES v. U. S., 71 Supreme Court 153 (including JEFFERSON v. U. S. and GRIGGS v. U. S.)

The conflict between the Jefferson and Griggs cases (previously referred to in this file) was resolved by the Supreme Court in the decision cited above, dated 4 December 1950. The common fact underlying the three cases is that each claimant, while on active duty and not on furlough, sustained injury due to negligence of others in the armed forces. The only issue of law raised was whether the Tort Claims Act extends its remedy to one sustaining "incident to the service" what under other circumstances would be an actionable wrong. The Court held that the Tort Claims Act did not so apply; that the primary purpose of the Act was to extend a remedy to those who had been without one. The Court pointed out that the compensation system provides substantial reparation and that Congress in drafting the Act did not intend to create a new cause of action dependent on local law for service-connected injuries or death due to negligence.

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